

Aiken County Code of Ordinances

Chapter 15, Article III. NUISANCES

Sec. 15-21. Declaration of policy.

Any act of any person, group or business within the unincorporated area of the county whereby the health or life of any person may be endangered, injured or impaired or disease may, directly or indirectly, be caused by the act, or because of the act any property may be endangered, injured or damaged, is hereby declared to be a nuisance and unlawful. Dwellings and other buildings in the county which are unfit for human habitation or human use due to dilapidation or other conditions rendering the dwelling or building unsafe or unsanitary, dangerous or detrimental to the health, safety or morals, or otherwise hazardous to the welfare of the residents of the county are also declared to be a nuisance.

Sec. 15-22. Specific nuisances.

Acts of nuisance shall include but are not expressly restricted to:

- (1) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county permitting the premises to become unsanitary or a fire menace by allowing any offensive or unsafe matter to grow, accumulate or otherwise occupy and remain upon such premises.
- (2) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county permitting pools of water to accumulate and remain upon the premises and become stagnant and foul.
- (3) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county and in a residential area allowing junk, disabled cars and trucks, trash, waste, old lumber or used tires to accumulate and remain upon the premises as a possible harborage for rats, snakes and other vermin.
- (4) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county allowing the accumulation of abandoned or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers.
- (5) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county allowing the accumulation of any compost pile which is of such a nature as to spread or harbor a disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease-carrying pests, animals or insects; but the presence of earthworms in a compost pile shall not constitute a nuisance.
- (6) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county keeping or permitting another to keep upon any premises deleterious septic material unless such material is contained in containers or vessels which deny access to humans, flies, insects, rodents, vermin and animals.
- (7) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county in a residential area maintaining livestock, chickens or groups of other domestic animals in such a manner as to allow the spread or harboring of disease, emit unpleasant odors or harmful gases, or attract rodents, vermin or other disease-carrying pests, animals or insects.
- (8) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county maintaining a premises in a condition or a building in a condition which is detrimental to property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located.
- (9) The owner, occupant or agent of any owner or occupant of one (1) or more lots, parcels or areas within the county allowing any partially dismantled, wrecked, junked, discarded or otherwise nonoperating motor vehicle or motor vehicle parts to remain on such property longer than ten (10) days; except that this section shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. This section shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful place, other than in a residential area, and operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the county or any other public agency or entity.

(10) Any unreasonably loud or disturbing noise that causes material, physical or mental discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is prohibited. Any noise of such character, intensity intermittent or continued duration which substantially interferes with the comfortable enjoyment of dwellings, hotels or other types of residence by persons of ordinary sensibilities is hereby declared to be a nuisance and is prohibited.

The following acts, whether on or within public or private property, and the causing or permitting thereof, are hereby specifically declared to be unreasonably loud and disturbing noises in violation of this section:

a. The playing or permitting the playing at any time of any radio, tape recorder, phonograph, portable television set, loudspeaker, sound amplifier, amplified or unamplified musical instrument, live music of any kind or any other sound-producing device by any person while inside any theater, retail store, bank, public or private building, public or private modes of transportation, indoor or outdoor public sports area, or any other public or private area, in such manner or with such volume as to unreasonably disturb the quiet, comfort, or peace of the public or private residents.

b. The harboring or keeping of a dog or other animal or bird that by loud and frequent or habitual barking, howling, yelping, crying, crowing, cackling, or singing shall cause disturbance to the neighborhood.

c. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public or private place of the county for an unnecessary or unreasonable period of time, or with such volume as to create any unreasonably loud or harsh sound; provided that the prohibitions of this subsection shall not apply to the sounding of any horn or signaling device when used as a danger warning; and further provided that authorized emergency vehicles may use warning sounds at any time.

d. The discharge into the open air within the county of the exhaust of any steam engine, gasoline engine, stationary internal combustion engine, or other kind or type of engine, motor boat, or motor vehicle, except through a muffler or other device that will effectively prevent loud or explosive noises therefrom.

e. The use within the county of any wagon, cart, automobile, truck, motorcycle, or other vehicle, so out of repair or loaded in such manner or with material of such nature as to create loud or irritating, grating, grinding, rattling, or other noises.

f. The creation within the county of loud or excessive noise in connection with loading or unloading of any vehicle, or the opening or destruction of bales, boxes, crates, containers, or the like, without exercising reasonable care to limit such noise and to confine the same.

g. The operation within the county between the hours of 9:00 p.m. and 7:00 a.m. of any pile driver, power shovel, pneumatic hammer, derrick or hoist, or other appliance, the use of which is attended by loud or disturbing noises.

h. The operation within the county of any noise-creating blower or power fan, the operation of which causes loud or disturbing noise, unless such blower or fan is muffled to deaden such noise.

i. The creation within the county of any loud, irritating, or disturbing noise in the vicinity of any school, institution of learning, church, court of law, hospital, or neighborhood while the same is in use or occupied, and which unreasonably interferes with the workings of such institution, or which disturbs persons of ordinary sensibilities within these buildings or neighborhoods. Signs shall be displayed at or near such public buildings indicating that the same is a school, institution of learning, hospital, court of law, or church. A neighborhood shall be defined as one (1) or more houses.

j. Yelling, shouting, hooting, whistling, singing, loud music (live or recorded), or any other amplified or unamplified equipment on the public or private streets or other public or private areas (to include residences) of the county at any time or place of such duration, frequency, or volume as to disturb the peace, quiet, comfort, or repose of persons in the vicinity of the disturbances listed above.

(11) The owner, occupant or agent of any owner or occupant or user of any one (1) or more lots, parcels or areas within the county using such lot or any building or erection thereon for the purposes of lewdness, or prostitution, or for the sale or distribution or consumption of any illegal substance are all declared a nuisance and shall be enjoined and abated as provided for in this article.

(12) Any person who makes excessive, unnecessary or unusually loud noises which disturbs others within the unincorporated area of Aiken County. The term "excessive, unnecessary or unusually loud noises" is defined to be any sound which is plainly audible at a distance of two hundred (200) feet from its source. Sounds from emergency vehicles, churches, schools, lawn mowers and other yard maintenance

equipment, construction and public works machinery and equipment are exempt from the provisions of this section.

(13) A dwelling or other building unfit for human habitation or use if conditions exist in such dwelling or building which are dangerous or injurious to the health, safety or morals of the occupants of such dwellings, the occupants of neighboring dwellings, or other residents in the county. Such conditions may include the following (without limiting the generality foregoing): defects therein increasing the hazards of fire, accidents or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness; partial destruction.

Sec. 15-23. Definition.

For the purpose of this article, “residential area” is defined as property developed primarily for residential use.

Buildings shall mean any structure which is used or intended to be used by humans but not specifically included in the term “dwellings.” Nothing in this article shall be construed to apply to those buildings used primarily in an agriculturally related manner.

County shall mean that area comprising the county, other than municipalities.

Dwelling shall mean any dwelling or structure, or part thereof; used and occupied for human habitation or intended to be so used and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Junk shall include, but is not limited to, abandoned barrels or drums, dismantled or inoperable industrial or commercial equipment or machinery, and the following old, scrap, or used items: metal, rope, rags, batteries, paper, cardboard, plastic, rubber, pallets, appliances, motors, industrial or commercial fixtures, rubbish, debris, and wrecked, dismantled or disabled motor vehicles or parts thereof. The term shall also mean, but not be limited to, old or scrap copper, brass, aluminum, rope, rags, paper, trash, tire carcasses, rubber debris, old vehicle parts, non-working major appliances, and other old ferrous or non-ferrous materials.

Owner shall mean the holder of the title in fee simple and every mortgagee of record.

Parties in interest shall mean all individuals, associations, corporations, and others who have interest of record in a dwelling or building and any who are in possession thereof.

Sec. 15-24. Standard

The standard for evaluation of nuisances for the implementation of this article shall be the latest revision of the International Property Maintenance Code except where its provisions conflict with other provisions of state law or local ordinance.

Sec. 15-25. Investigation by county staff.

Whenever the county, through the county administrator or his/her designee receives complaints from five (5) or more residents of the county who reside within one thousand (1,000) feet of the property line of the lot, lots, parcels or areas where the alleged nuisance exists or a member of county council representing five (5) or more residents, or otherwise becomes aware that there exists a situation which is harmful to the general health, safety, welfare or security of the community, the county administrator or his/her designee shall institute an investigation to determine if there is a reasonable basis for the complaint. The county administrator or his/her designee is authorized to request that other agencies or departments assist him/her in making such a determination.

Complaints concerning nuisances described in subsections 15-22(10) and (12) can be made by one or more residents of the county regardless of the location of their residencies. Such complaints shall be made by the residents directly to the sheriff of the county, and shall be investigated by the sheriff or his/her designee.

Sec. 15-26. Warning.

If county staff determines that a nuisance exists, the county code enforcement officer or the county sheriff as determined by section 15-25, or his designee shall issue a formal written warning to the property owner or responsible party to abate the nuisance or correct the situation within 30 calendar days of the date of the warning.

Notice shall be provided to the property owner or responsible party either personally or via US First Class Mail to the address indicated in the Tax Assessor property records, or to the last known address. Only one

warning shall be issued to an individual for any violation under Chapter 15, Article III, Nuisance of the Aiken County Code of Ordinances. Second and subsequent offenses by the same individual for any alleged violation of the Nuisance Ordinance will be immediately placed on a summons.

Sec. 15-27. Summons to appear in magistrate's court.

If the nuisance is not abated within the 30-day period, unless the delay is caused by another government agency, the code enforcement officer may issue a summons to the property owner or responsible party. If the code enforcement officer determines that the nuisance cannot be abated within the 30-day period and the property owner has attempted to remedy the nuisance, the officer may extend the 30 day period an additional 30 days before issuing the summons.

Sec. 15-28. Abatement by county; lien.

The court may determine that the situation is so deleterious or injurious to the health, security, general welfare and safety of the county that it may authorize the appropriate county department to expend funds to abate the nuisance. If the owner fails to comply with an order to remove, clean up, demolish, or abate the nuisance within the time frame defined by the court, the county may cause such nuisance to be removed, cleaned up, demolished or otherwise abated. Any such public funds used to abate the nuisance shall be deemed to be a lien upon the real property upon which such costs were incurred, shall be recorded in the registrar of mesne conveyance, and shall be collectible in the same manner as county taxes.

If a structure is removed or demolished by the county, it shall sell the materials of such a structure and shall credit proceeds of such sale against the cost of the removal or demolition and any balance shall be disbursed to the owner of the property.

Sec. 15-29. Court action.

(a) Complaints concerning nuisances described in section 15-22(10) and (12) made by one (1) or more residents of the county may be investigated by the sheriff. The sheriff or any of his deputies, upon witnessing, observing or hearing a violation of any provision of this article, may issue a warning or may issue a citation against any violator of the provisions of this article with such charge or charges to be adjudicated by the magistrate's court.

(b) Any citizen, upon witnessing, observing or hearing a violation of any provision of this article, may request a magistrate to issue an arrest warrant against any violator of the provisions of this article with such charge or charges to be adjudicated by the magistrate's court.

Sec. 15-30. Penalty.

Any person, persons or entities violating any provision of this article shall be guilty of a misdemeanor, and shall be sentenced as follows:

1) for a first offense, by a fine of not less than \$200 nor more than \$300 or by imprisonment for not more than 30 days.

2) for a second or subsequent offense, by a fine of not less than \$400 nor more than \$500 and/or imprisonment for not more than 30 days.

For the purposes of this section, each conviction shall be considered a separate and complete offense.